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3 Eastern District of Washington  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEP 27 2018

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

2:16-CR-00190-SMJ

13 vs.

**Pretrial Diversion Agreement**

14 NICHOLAS TYLER HUNTER,

15 Defendant.

16 Plaintiff, United States of America, by and through Joseph H. Harrington,  
17 United States Attorney for the Eastern District of Washington, and Scott T. Jones,  
18 Assistant United States Attorney for the Eastern District of Washington, and  
19 Defendant NICHOLAS TYLER HUNTER and Defendant's counsel, Colin Prince,  
20 agree to the following Pretrial Diversion Agreement:

**PRETRIAL DIVERSION AGREEMENT**

21 1. The Grand Jury alleges in an Indictment returned on November 15, 2016  
22 that Defendant committed the following offense against the United States in the  
23 Eastern District of Washington: Assault on a Federal Employee Resulting in Bodily  
24 Injury, in violation of 18 U.S.C. § 111(a), (b).

25 2. On the authority of the United States, prosecution in the Eastern District  
26 of Washington for the offense alleged in the Indictment (ECF No. 1) shall be deferred  
27 for a period of 12 months from the date of the filing of this Pre-Trial Diversion  
28

1 Agreement, provided Defendant Nicholas Tyler Hunter abides by the following  
2 conditions and the requirements of the Pre-Trial Diversion program set out below in  
3 this Pre-Trial Diversion Agreement.

4 3. The United States may release Defendant Nicholas Tyler Hunter from  
5 this agreement at any time. The United States may at any time within the period of  
6 Defendant Nicholas Tyler Hunter's deferral reinstate prosecution for the offense  
7 alleged in the Indictment (ECF No. 1) should Defendant Nicholas Tyler Hunter  
8 violate the conditions of this Pre-Trial Diversion Agreement. In that event, the United  
9 States will furnish Defendant Nicholas Tyler Hunter with notice specifying the  
10 conditions of the Pre-Trial Diversion Agreement that he violated. Defendant Nicholas  
11 Tyler Hunter agrees that the determination of whether the Defendant has violated the  
12 terms of this Pre-Trial Diversion Agreement shall be made by the Court.

13 4. If, upon successful completion of the terms set forth in this Pre-Trial  
14 Diversion Agreement, the United States will move to dismiss, with prejudice, the  
15 Indictment in this matter at ECF No. 1.

16 5. This Pre-Trial Diversion Agreement will not be used against the  
17 Defendant, Nicholas Tyler Hunter, in connection with any prosecution for the above-  
18 described offense.

19 6. The following conditions apply:

20 a. Defendant Nicholas Tyler Hunter shall not commit a violation of  
21 any law (federal, state and local). This condition shall not apply to infractions.  
22 Defendant Nicholas Tyler Hunter shall immediately contact his Pre-Trial  
23 Diversion supervisor if arrested and/or questioned by any law enforcement  
24 officer.

25 b. If the Defendant desires to move out of the District, he shall obtain  
26 permission from his diversion supervisor so that the appropriate transfer of  
27 program responsibility can be made prior to his relocation.  
28

1 c. Defendant Nicholas Tyler Hunter shall report any change of  
2 residence to U.S. Probation/Pretrial Services.

3 d. Defendant Nicholas Tyler Hunter shall obtain and comply with any  
4 treatment recommendations made by a licensed psychiatrist, specifically  
5 including taking any prescribed medications as directed.

6 e. Other than the contacts with U.S. Probation/Pretrial Services as  
7 described above, Defendant Nicholas Tyler Hunter shall be unsupervised by the  
8 agency during the period of deferred prosecution. U.S. Probation/Pretrial  
9 Services will run a criminal record check of Defendant quarterly, and will  
10 inform the United States, defense counsel, and the Court if Defendant has  
11 violated any law.

12 f. Defendant Nicholas Tyler Hunter agrees to waive all time-based  
13 challenges to prosecution, including but not limited to those related to the  
14 Speedy Trial Act.

15 g. Defendant Nicholas Tyler Hunter agrees to hold all law  
16 enforcement and the United States, its agents, and its employees, and J.C.<sup>1</sup>  
17 harmless from any claims whatsoever arising in connection with the  
18 prosecution, investigation, and resolution of *United States v. Nicholas Tyler*  
19 *Hunter*, 2:16-CR-190-SMJ.

20  
21 Joseph H. Harrington  
22 United States Attorney

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24 Scott T. Jones  
25 Assistant United States Attorney

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28 DATE

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28 <sup>1</sup> The alleged victim of the assault, identified by name in documents provided to the defense.

1  
2 **REQUEST FOR PRE-TRIAL DIVERSION**  
3 **BY NICHOLAS TYLER HUNTER**

4 I, Nicholas Tyler Hunter, assert and certify that I am aware of the fact that the  
5 Sixth Amendment to the Constitution of the United States provides that in all criminal  
6 prosecutions the accused shall enjoy the right to a speedy and public trial. I also am  
7 aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the  
8 Court may dismiss an Indictment, Information, or Complaint for unnecessary delay in  
9 presenting a charge to the Grand Jury, filing an Information, or in bringing a  
10 defendant to trial. I hereby request that the United States Attorney for the Eastern  
11 District of Washington defer any prosecution of me for a period of 12 months, for the  
12 following violations alleged in the Indictment returned in this matter on November 15,  
13 2016, ECF No. 1, charging me with Assault on a Federal Employee Resulting in  
14 Bodily Injury, in violation of Title 18 U.S.C. § 111(a), (b).

15 To induce the United States Attorney for the Eastern District of Washington to  
16 defer such prosecution, I, Nicholas Tyler Hunter, agree and consent that any delay  
17 from the date of this Agreement to the date of the initiation of the prosecution, as  
18 provided for in the terms expressed herein, shall be deemed to be a necessary delay at  
19 my request and I waive any defense to such prosecution on the ground that such delay  
20 operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal  
21 Procedure and the Sixth Amendment to the Constitution of the United States to a  
22 speedy trial or to bar the prosecution by reason of the running of the statute of  
23 limitations for the effective period of this Diversion Agreement. I, Nicholas Tyler  
24 Hunter, also agree to all of the terms and conditions set forth in this Pre-Trial  
25 Diversion Agreement.

26 I hereby state that the above has been read by me and explained to me by my  
27 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will  
28 comply with them.

1 Nick Hunter

2 Nicholas Tyler Hunter

3 X 9/27/18  
DATE

4 Colin Prince

5 Colin Prince

6 Attorney for Nicholas Tyler Hunter

7 9/27/18  
DATE

8 APPROVED without passing judgment on the merits or wisdom of this  
9 diversion.

10 Salvador Mendoza, Jr.  
11  
12 Salvador Mendoza, Jr.  
13 United States District Court Judge

14 9/27/18  
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